

REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance:

Independent claims 11 and 19 are directed to a system of multiple rolling tire storage racks. The racks contain vertical portions and horizontal portions for supporting tires, as shown in Figures 3 and 6. The racks roll via wheels, as shown in Figure 5. The racks are aligned by a guide arrangement shown best in Figures 9-13. The guide arrangement comprises a horizontal guide rod extending between each rack of the system; and, as explicitly stated in claims 11 and 19, the guide arrangement comprises a guide sleeve mounted on an upper end of each rack, wherein the guide sleeve encircles the guide rod. (See Figure 11). Each rack is equipped with spacing elements, which are formed as plates, and the guide sleeves are attached to the plates. (See Figure 10). The spacing element of a first rack contacts the spacing element of a second rack so that respective tires supported on each of the first and second racks do not contact each other when the first and second racks are pushed together. (See Figure 9).

The instant invention is patentable over US Patent No. 3,737,047 to Ruth (hereafter Ruth '047), because Ruth '047 does not teach a guide arrangement in combination with a spacing element having the features of the present invention. For instance, Ruth '047 teaches a guide arrangement shown by guide member 18, angle component 26, and cooperating wheel 17a (see Figures 1 and 3); however, the wheel 17a of Ruth '047 is not analogous to the claimed "guide sleeve," and does not encircle the guide member 18.

Nor does Ruth '047 teach a spacing element. Cross members 22 of Ruth '047 do not meet the limitations of the claimed "spacing element," because they are not attached to a guide sleeve and they are not mounted on the upper end of the racks. Moreover, Ruth '047 does not disclose the cross members 22 as cooperating to prevent contact of tires on adjacent racks. As shown in Figure 2 of Ruth '047, if the cross members 22 were removed, adjacent racks would still contact each other without tires on the respective racks contacting each other.

US Patent No. 4,941,578 to Devening (hereafter Devening '578) discloses a guide arrangement similar to the claimed invention. As shown in Figures 2-5 of Devening '578, guide rails 25 cooperate with guide blocks 20, which are attached at the top of racks 13. The guide blocks encircle the guide rails as shown in Figure 3. Devening '578 does not, however, teach the guide blocks as connected to a spacing element. Devening '578 is silent about the possible need to provide a spaced distance between adjacent racks.

It would not have been obvious to one of ordinary skill in the art at the time of the invention to combine the features of Ruth '047 and Devening '578. For instance, the addition of the guide arrangement disclosed by Devening '578 to the system of Ruth '047 would be superfluous, because Ruth '047 already contains a guide arrangement. Furthermore, it would not be obvious to attach the cross members 22 of Ruth '047 to the guide arrangement of Devening '578, because the cross members would defeat Devening's purpose of maximizing the density of racks within a certain area.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JARED W. NEWTON whose telephone number is (571)272-2952. The examiner can normally be reached on M-F 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Kramer can be reached on (571) 272-6783. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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JWN
March 21, 2008